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DATE FILED: 09/15/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDY GIL and RAFAEL HERNANDEZ, on behalf of
themselves and all other similarly situated,

Plaintiffs,

-against-

PIZZAROTTI, LLC., ATLANTIC CONTRACTING OF
YONKERS, INC., JOEL ACEVEDO, IGNAZIO CAMPOCCIA,
GIACOMO DI NOLA a/k/a GIACOMO DI NOLA, JOHN DOE
CORPORATIONS 1-10, and RICHARD ROES 1-10,

Defendants.

1:19-cv-03497-MKV

DEFAULT JUDGMENT

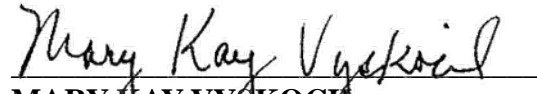
MARY KAY VYSKOCIL, United States District Judge:

On September 15, 2020, the Court held a hearing by telephone on Plaintiffs' Motion for Default Judgment as to liability against Defendants Joel Acevedo and Atlantic Contracting of Yonkers, Inc. [ECF No. 81]. The Court noted that Defendants Joel Acevedo and Atlantic Contracting of Yonkers, Inc. failed to appear, although Plaintiffs had served these two Defendants with notice of the Amended Complaint [ECF No. 35–36], Motion for Default Judgment [ECF Nos. 91–92], and the Court's Orders scheduling a hearing on the Motion [*e.g.*, ECF No. 109]. Defendants Joel Acevedo and Atlantic Contracting of Yonkers, Inc. failed to respond to the Amended Complaint, and on April 25, 2020, the Clerk of Court entered Certificates of Default against these Defendants [ECF Nos. 60–61]. These Defendants did not respond to the Motion for Default Judgment or appear at the hearing. Based on the Court's careful review of Plaintiffs' Motion and supporting papers filed by Plaintiffs [ECF Nos. 81, 84, 84-1, 84-2, 84-3], and for the reasons stated at the hearing on September 15, 2020, the Court GRANTS Plaintiffs' Motion for Default Judgment as to liability against Defendants Joel Acevedo and Atlantic Contracting of

Yonkers, Inc. Assessment of damages is premature and must await trial of Plaintiffs' claims against the remaining Defendants.

SO ORDERED.

Date: September 15, 2020
New York, NY


MARY KAY VYSKOČIL
United States District Judge